

REMARKS**In the Specification**

The Specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, further as failing to provide basis for the term “tangible” as in the claim amendments previously presented. The term “tangible” is no longer presented in the claims as currently amended, thus this objection is moot and should be withdrawn.

In the Claims

Claims 1, 3-18, 20-32, and 34-47 stand rejected herein. Claims 1, 5, 9, 11, 15, 17, 22, 26, 32, 36, 40, 42, 43 and 46 have been amended herein. Applicants respectfully request reconsideration of pending Claims 1, 3-18, 20-32 and 34-47 in light of the amendments and remarks herein.

35 U.S.C. §101

Claims 32-33, and 35-47 stand rejected under 35 U.S.C. § 101 because the Examiner submits that the claimed invention is directed to non-statutory subject matter because, according to the Action, the claims include terms that may be interpreted as “forms of energy.” The claims have been overcome to recite a machine accessible storage medium that does not include a propagated signal, and thus the rejection is moot and should be withdrawn.

35 U.S.C. §103

Claims 13-18, 20-32, and 34-47 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Microsoft, OnNow Power Management (hereafter “Microsoft”) in view of Shintani, U.S. Patent App. Pub. No. 2004/19906 (Shintani). Specifically, the Examiner submits that Microsoft in combination with Shintani makes independent Claims 1, 17 and 32 unpatentable as obvious under 35 U.S.C. 103(a). Applicants’ traverse the Examiner’s rejection.

As amended, each independent claim of the Application now includes a limitation directed to

a data processing device configured to recognize a visual on state and a visual off state,

the visual on state comprising any mode in which the data processing device is processing data and responsive to requests; and

the visual off state comprising a state identical to the visual on state except in that all user visible and user audible indicators of activity are turned off;

While Microsoft may as asserted reveal a sleep state, the sleep state of Microsoft is not a visual off state comprising a state identical to the visual on state except in that all user visible and user audible indicators of activity are turned off. In fact, nowhere does either Microsoft nor Shintani suggest or disclose such a state. Therefore the rejection of the independent claims as amended cannot stand and should be withdrawn.

With respect to the remaining claims, Applicants respectfully submit that since Microsoft and Shintani do not render the independent claims unpatentable, they also do not teach or suggest the elements of the dependent claims (which incorporate all elements of the independent claims). Applicants therefore respectfully submit that Microsoft in view of Shintani does not render pending Claims 1, 3-18, 20-32, and 34-47 unpatentable under 35 U.S.C. §103 and Applicants respectfully request the Examiner withdraw the rejections to Claims 1, 3-18, 20-32, and 34-47 and allow all pending claims.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1, 3-18, 20-32 and 34-47 are now in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (714) 730-8225.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on October 31, 2007.


Margaux Rodriguez

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